

REMARKS

Claims 1-10 and 12-26 were examined by the Office, and in the Office Action of June 9, 2009 claims 1-10, 12-15, 17-20 and 22-26 are rejected, claim 16 is objected to, and claim 21 is allowed. With this response claims 1-2, 17, 20, 22 and 24 are amended. Applicant respectfully submits that all amendments are fully supported by the specification as originally filed. Support for the amendments can be found at least from page 9, lines 16-30 of the specification as originally filed. Applicant respectfully requests reconsideration and withdrawal of the rejections in view of the following discussion.

**Claim Rejections Under § 102**

In section 4, on page 2 of the Office Action, claims 1-2, 5-6, 8-9, 12-13, 17, 20, 22 and 24-26 are rejected under 35 U.S.C. § 102(e) as anticipated by Forrester (U.S. Patent No. 7,181,171). Applicant respectfully submits that claim 1 is not disclosed or suggested by Forrester, because Forrester fails to disclose or suggest all of the limitations recited in claim 1. Forrester at least fails to disclose or suggest a control component configured to provide at least one command to cause dynamic tuning of the second antenna for reception of signals in either the second frequency band or at least the first frequency band, and that the second module is configured to dynamically tune the second antenna in accordance with the at least one command, as recited in claim 1.

In Forrester, a wireless communication device can employ an auxiliary antenna as a diversity antenna, and the wireless communications device can adapt by receiving a signal through the auxiliary antenna instead of a main antenna. See Forrester column 4, lines 1-16. However, Forrester does not disclose or suggest that the auxiliary antenna is adapted by dynamically tuning the auxiliary antenna, as recited in claim 1 with respect to the second antenna. In contrast to claim 1, in Forrester the auxiliary antenna itself is not dynamically tuned. Instead, a duplexer (170) can split a received communication signal into cellular band signals and GPS/PCS band signals by tuning the received signal to the band. See Forrester column 5, lines 16-22. This is performed by the use of a high pass filter of the diplexer, which can be adapted to not only pass the PCS band, but also the GPS band. See Forrester column 5, lines 22-26. Therefore, Forrester does not discuss dynamically tuning of the antennas themselves, because Forrester uses other components for adapting received signals after the signals are

received by the antennas. For example, Forrester states that the main controller may control the selector module such that the signal processing modules selectively filter different channels in the band. See Forrester column 6, lines 14-16. In contrast, claim 1 is amended to specifically recite that the control component provides at least one command, and the second module is configured to dynamically tune the second antenna to either the second frequency band or at least the first frequency band. However, none of the antennas in Forrester can be dynamically tuned, as recited in claim 1. Therefore, for at least this reason, claim 1 is not disclosed or suggested by Forrester.

Independent claims 17, 22 and 24 contain limitations similar to claim 1, and are rejected for similar reasons as claim 1. Therefore, for at least the reasons discussed above in relation to claim 1, claims 17, 22 and 24 are not disclosed or suggested by Forrester.

The dependent claims rejected above, and depending from the above mentioned independent claims are not disclosed or suggested by Forrester at least in view of their dependencies.

#### Claim Rejections Under § 103

In section 6, on page 8 of the Office Action, claims 7 and 10 are rejected under 35 U.S.C. § 103(a) as unpatentable over Forrester in view of Braun et al. (U.S. Patent No. 6,980,782). Claims 7 and 10 all ultimately depend from an independent claim, and are patentable over the cited references at least in view of their dependencies.

In section 7, on page 9 of the Office Action, claims 3-4, 15 and 23 are rejected under 35 U.S.C. § 103(a) as unpatentable over Forrester in view of Eggleston (U.S. Patent No. 6,414,640). Claims 3, 4, 15 and 23 all ultimately depend from an independent claim, and are patentable over the cited references at least in view of their dependencies.

In section 8, on page 10 of the Office Action, claim 14 is rejected under 35 U.S.C. § 103(a) as unpatentable over Forrester in view of Boyle (U.S. Appl. Publ. No. 2003/0103010). Claim 14 ultimately depends from an independent claim, and is patentable over the cited references at least in view of its dependency

In section 9, on page 11 of the Office Action, claims 18 and 19 are rejected under 35 U.S.C. § 103(a) as unpatentable over Forrester in view of Ramasamy et al. (U.S. Appl. Publ. No. 2004/0125018). Claims 18 and 19 all ultimately depend from an independent claim, and are patentable over the cited references at least in view of their dependencies.

**Allowable Subject Matter**

Applicant acknowledges that claims 16 and 21 are indicated to be allowable on page 12 of the Office Action.

**Conclusion**

Applicant respectfully submits that the present application is in condition or allowance, and such action is earnestly solicited. The undersigned hereby authorizes the Commissioner to change any fee deficiency required to submit this response to Deposit Account No. 23-0442.

Respectfully submitted,

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